

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SMOLENSKI *et al.*

Appl. No.: 09/855,004

Filed: May 14, 2001

For: Voice Integration Platform

Confirmation No.: 1196

Art Unit: 2655

Examiner: James S. Wozniak

Atty. Docket: 2222.0820001

**Revocation of Prior Power of Attorney and  
Appointment of New Attorneys of Record**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned, having express authority to represent BEN FRANKLIN PATENT HOLDING LLC, the assignee of the entire right, title, and interest in the above-captioned application, by assignment filed at the U.S. Patent and Trademark Office (copy enclosed), hereby revokes all powers of attorney heretofore given in the above-captioned application and appoints as his attorneys the attorneys associated with Customer Number 28393, those attorneys currently being: Robert Greene Sterne, Esq., Registration No. 28,912; Edward J. Kessler, Esq., Registration No. 25,688; Jorge A. Goldstein, Esq., Registration No. 29,021; David K.S. Cornwell, Esq., Registration No. 31,944; Robert W. Esmond, Esq., Registration No. 32,893; Tracy-Gene G. Durkin, Esq., Registration No. 32,831; Michele A. Cimbala, Esq., Registration No. 33,851; Michael B. Ray, Esq., Registration No. 33,997; Robert E. Sokohl, Esq., Registration No. 36,013; Eric K. Steffe, Esq., Registration No. 36,688; Michael Q. Lee, Esq., Registration No. 35,239; Steven R. Ludwig, Esq., Registration No. 36,203; John M. Covert, Esq., Registration No. 38,759; Linda E. Alcorn, Esq., Registration No. 39,588; Lawrence B. Bugaisky, Esq., Registration No. 35,086; Donald J. Featherstone, Esq., Registration No. 33,876; Robert

C. Millonig, Esq., Registration No. 34,395; Michael V. Messinger, Esq., Registration No. 37,575; Judith U. Kim, Esq., Registration No. 40,679; Timothy J. Shea, Jr., Esq., Registration No. 41,306; Patrick E. Garrett, Esq., Registration No. 39,987; with full power of substitution, association, and revocation, to prosecute said application and to transact all business in the United States Patent and Trademark Office connected therewith.

For the purpose of PAIR, the Customer Number is 26111.

The undersigned hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send all correspondence to:

Customer Number 26111  
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934.

Direct telephone calls to (202) 371-2600.

FOR: BEN FRANKLIN PATENT HOLDING LLC

SIGNATURE: \_\_\_\_\_

BY: JULIA CUFFARO

TITLE: AUTHORIZED PERSON

DATE: 20 JULY 2004



**STATEMENT UNDER 37 CFR 3.73(b)**

2222.0820001

Applicant/Patent Owner: SMOLENSKI et al.

Application No./Patent No.: 09/855,004 Filed/Issue Date: May 14, 2001

Entitled: Voice Integration Platform

Ben Franklin Patent Holding LLC, a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: SMOLENSKI et al. To: General Magic, Inc.  
The document was recorded in the Patent and Trademark Office at  
Reel 012162, Frame 0236, or for which a copy thereof is attached.
2. From: General Magic, Inc. To: Intellectual Ventures Patent Holding I, L.L.C.  
The document was recorded in the Patent and Trademark Office at  
Reel 014313, Frame 0612, or for which a copy thereof is attached.
3. From: Intellectual Ventures Patent Holding I, L.L.C. To: Ben Franklin Patent Holding LLC  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

20 JUL 2004  
Date

\_\_\_\_\_  
Telephone number

JULIA CUFFALO  
Typed or printed name  
[Signature]  
Signature  
AUTHORIZED PERSON  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No.: M-7199-1P US

## ASSIGNMENT

For good and valuable consideration, receipt of which is hereby acknowledged, we

<u>Andrew G. Smolenski</u>	of <u>Las Vegas, Nevada</u>
<u>Steven Markman</u>	of <u>Los Gatos, California</u>
<u>Pericles Haleftiras</u>	of <u>San Diego, California</u>
<u>Jon Thomas Layton</u>	of <u>Solana Beach, California</u>
<u>Lizanne Kaiser</u>	of <u>Richmond, California</u>
<u>Gregory S. Kluthe</u>	of <u>San Marcos, California</u>
<u>Michael W. Achenbach</u>	of <u>Los Altos, California</u>

hereby sell, assign and transfer to General Magic Inc., a Delaware corporation, having a place of business at 420 North Mary Avenue, Sunnyvale, California 94085, its successors and assigns, the entire right, title and interest throughout the world in our invention in:

### VOICE INTEGRATION PLATFORM

for which we filed a United States Patent Application on May 14, 2001, which now has Serial No. , and all patent applications and patents of every country for said invention, including divisions, reissues, continuations and extensions thereof, and all rights of priority resulting from the filing of said applications; we authorize the above-named assignee to apply for patents of foreign countries for said invention, and to claim all rights of priority without further authorization from us; we agree to execute all papers useful in connection with said United States and foreign applications, and generally to do everything possible to aid said assignee, their successors, assigns and nominees, at their request and expense, in obtaining and enforcing patents for said invention in all countries; and we request that the United States Patent and Trademark Office issue all patents granted for said invention to the above-named assignee, its successors and assigns.

Executed this 2nd day of August, 2001.

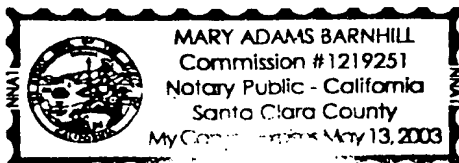
Andrew G. Smolenski  
Andrew G. Smolenski

State of Nevada )  
County of SANTA CLARA ) ss.

On August 2, 2001 before me, MARY ADAMS BARNHILL, Notary personally appeared Andrew G. Smolenski personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Mary Adams Barnhill  
SIGNATURE OF NOTARY



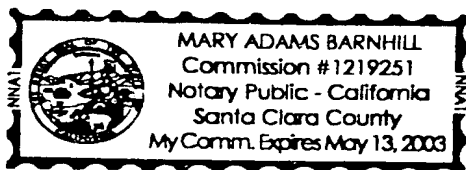
Executed this 24<sup>th</sup> day of July, 2001.

Steven Markman

Steven Markman

State of California )  
 ) ss.  
County of \_\_\_\_\_ )

On July 24, 2001 before me, MARY ADAMS BARNHILL, NOTARY, personally appeared Steven Markman personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal.

Mary Adams Barnhill  
SIGNATURE OF NOTARY

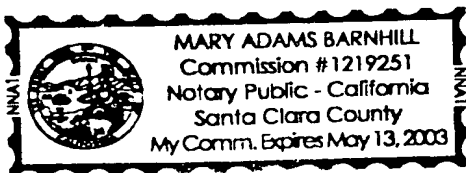
Executed this 24<sup>th</sup> day of July, 2001.

Pericles Haleftiras

Pericles Haleftiras

State of California )  
 ) ss.  
County of SANTA CLARA )

On July 24, 2001 before me, MARY ADAMS BARNHILL, NOTARY, personally appeared Pericles Haleftiras personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal.

Mary Adams Barnhill  
SIGNATURE OF NOTARY

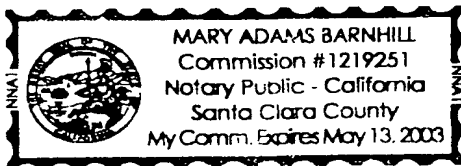
Executed this 12 day of July, 2001.

Jon Thomas Layton

Jon Thomas Layton

State of California )  
 ) ss.  
County of SANTA CLARA

On JULY 12, 2001 before me, MARY ADAMS BARNHILL, NOTARY PUBLIC, personally appeared Jon Thomas Layton personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal.

Mary Adams Barnhill  
SIGNATURE OF NOTARY

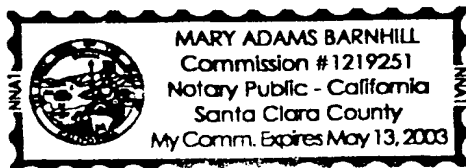
Executed this 13 day of July, 2001.

Lizanne Kaiser

Lizanne Kaiser

State of California )  
 ) ss.  
County of SANTA CLARA

On JULY 13, 2001 before me, MARY ADAMS BARNHILL, NOTARY PUBLIC, personally appeared Lizanne Kaiser personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal.

Mary Adams Barnhill  
SIGNATURE OF NOTARY

DO NOT FORWARD  
TO ASSIGNMENT BRANCH  
NOT FOR RECORDATION

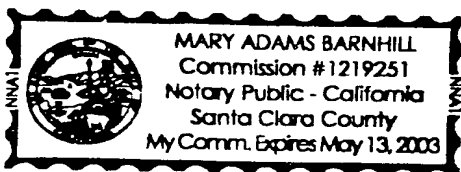
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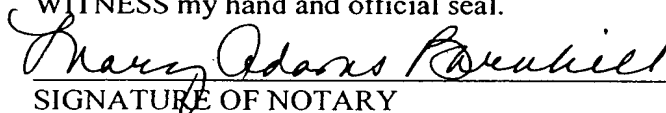
Gregory S. Kluthe

State of California )  
 ) ss.  
County of SANTA CLARA )

On JULY 13, 2001 before me, MARY ADAMS BARNHILL, NOTARY PUBLIC, personally appeared Gregory S. Kluthe personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal.

  
SIGNATURE OF NOTARY

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

Michael W. Achenbach

State of California )  
 ) ss.  
County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_ personally appeared Michael W. Achenbach personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

SIGNATURE OF NOTARY

DO NOT FORWARD  
TO ASSIGNMENT BRANCH  
NOT FOR RECORDATION

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Gregory S. Kluthe

State of California )  
 ) ss.  
County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_  
personally appeared **Gregory S. Kluthe** personally known to me or proved to me on the basis of  
satisfactory evidence to be the person whose name is subscribed to the within instrument and  
acknowledged to me that he executed the same in his authorized capacity, and that by his  
signature on the instrument the person, or the entity upon behalf of which the person acted,  
executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
SIGNATURE OF NOTARY

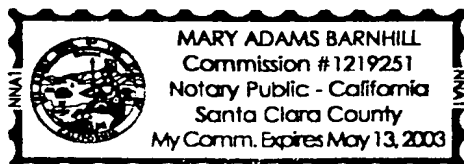
Executed this 24 day of July, 2001.

State of California )  
 ) ss.  
County of SANTA CLARA )

\_\_\_\_\_  
Michael W. Achenbach

On July 24, 2001 before me, MARY ADAMS BARNHILL, NOTARY,  
personally appeared **Michael W. Achenbach** personally known to me or proved to me on the  
basis of satisfactory evidence to be the person whose name is subscribed to the within instrument  
and acknowledged to me that he executed the same in his authorized capacity, and that by his  
signature on the instrument the person, or the entity upon behalf of which the person acted,  
executed the instrument.

WITNESS my hand and official seal.



\_\_\_\_\_  
SIGNATURE OF NOTARY



## ASSIGNMENT OF PATENT RIGHTS

Whereas, General Magic, Inc., a Delaware corporation, which operated its business at an office at 420 N. Mary Avenue, Sunnyvale, CA 94085 ("Seller") is the sole and exclusive owner of certain United States patents and patent applications listed in Exhibit A annexed hereto (collectively referred to as the "Patents"); and

Whereas Intellectual Ventures Patent Holding I, L.L.C., a Delaware limited liability company, with an office at 1422 130<sup>th</sup> Ave NE, Bellevue, WA 98005 ("Purchaser") is desirous of acquiring the right, title and interest in, to and under the said Patents.

*Now, Therefore,*

For good and valuable consideration, the receipt of which is hereby acknowledged, Seller does hereby sell, assign, transfer and set over to Purchaser, the Patents aforesaid, any reissue or reissues of said Patents already granted and which may be granted, any certificates of reexamination already granted and which may be granted the same to be held and enjoyed by Purchaser for its own use and enjoyment, and for the use and enjoyment of its successors, assigns or other legal representatives, to the end of the term or terms for which said Patents are or may be granted, reissued or extended as fully and entirely as the same would have been held and enjoyed by Seller, if this assignment and sale had not been made.

And, Seller, hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all Letters Patents of the United States on said inventions to Purchaser as assignee of the entire interest, and hereby covenants that Seller has full right to convey the entire interest herein assigned, and that, except as otherwise provided between the parties, Seller has not executed, and will not execute, any agreements in conflict therewith.

This Assignment of Patent Rights is entered into pursuant to that certain Asset Purchase Agreement, dated as of May 27, 2003, by and between Seller and Purchaser, and is subject to the terms of such agreement in all respects.

NOT FORWARD  
TO ASSIGNMENT BRANCH  
NOT FOR RECORDATION

In Witness Whereof, the parties, by their duly authorized representatives, have executed  
this Assignment.

DATE: May 27, 2003

GENERAL MAGIC, INC.

By: Mary E. Doyle  
Mary E. Doyle, Responsible Individual

-and-

INTELLECTUAL VENTURES PATENT HOLDING I,  
L.L.C., a Delaware limited liability company  
By: INTELLECTUAL VENTURES MANAGEMENT,  
L.L.C., its sole manager

By: Peter N. Detkin  
Name: Peter N. Detkin, Managing Director

**DO NOT FORWARD  
TO ASSIGNMENT BRANCH  
NOT FOR RECORDATION**

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 11:23 AM 11/24/2003  
FILED 10:41 AM 11/24/2003  
SRV 030753952 - 3649814 FILE

**CERTIFICATE OF AMENDMENT  
OF  
INTELLECTUAL VENTURES PATENT HOLDING I, L.L.C.**

The undersigned, being duly authorized to execute and file this Certificate of Amendment, does hereby certify as follows:

1. The name of the limited liability company is Intellectual Ventures Patent Holding I, L.L.C.

2. Paragraph 1 of the Certificate of Formation is amended in its entirety to read as follow:

"1. *Name.* The name of the limited liability company is Ben Franklin Patent Holding LLC."

IN WITNESS WHEREOF, the undersigned has duly executed this Certificate of Amendment on the 18<sup>th</sup> day of November, 2003.

Acquisition Management LLC, Manager

By:   
Gregory Gorder, Managing Director